

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

KEITH WAYNE GRAYSON

PLAINTIFF

VS.

CIVIL ACTION NO. 4:06CV116LA

TODD KEMP and MARY MCLENDON

DEFENDANTS

ORDER

This matter came before the court on the Plaintiff's Motions for Subpoenas and his Motion for Medical Care. The Plaintiff's claims against the Defendants arise from his allegation that he has received inadequate medical care while incarcerated in the Clarke County Jail. The docket shows that process was issued on November 29, 2006, but there is no indication at this time that it has been served, and the Defendants have not yet answered. The delay in serving process is not unusual, as the Plaintiff is proceeding *in forma pauperis*, and the United States Marshal has been directed to serve process. In light of the Marshal's many duties, service of process is sometimes delayed. The court will continue to monitor the docket of this case and will make appropriate inquiry if process is not served in a timely fashion.

Until the Defendants have been served with process, they have no knowledge of this matter and cannot answer the Complaint. Once the Defendants have answered, the court will set this case for an omnibus hearing, at which time the prisoner will appear before the court and have an opportunity to explain his claims orally. After the omnibus hearing, the court can make a determination as to what discovery should be ordered to assist the Plaintiff in developing his claims. Neither party is permitted to conduct discovery prior to the omnibus hearing, so the Plaintiff's Motions for Subpoenas will be denied at this time. This denial does not prevent the Plaintiff from

asking the court, during the omnibus hearing, to compel the attendance of witnesses at trial.

The Plaintiff's Motion for Medical Care asks the court to grant relief on the claims brought in his Complaint – primarily, that he is not receiving the appropriate medications for his physical and mental problems. The court will deal with the issues in the Plaintiff's Complaint after the omnibus hearing. Until that time, it is not necessary for the Plaintiff to notify the court each time he is not given medication; all of the injuries that he suffers due to constitutionally inadequate medical care while in the custody of Clarke County will be addressed when the court resolves his case. Therefore, the Motion for Medical Care will also be denied at this time.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motions for Subpoena and his Motion for Medical Care are hereby **denied**.

IT IS SO ORDERED, this the 23rd day of February, 2007.

S/Linda R. Anderson

UNITED STATES MAGISTRATE JUDGE